

REMARKS

Reconsideration of the above-identified application is respectfully requested.

Claims 1 and 2 were rejected as anticipated by Ressler. The Examiner is equivocating terminology when the meaning of the words is actually different. "Gate" and "tailgate" mean very different things. In order to find anticipation, the Examiner is construing "gate" to mean "tailgate." This is not what is recited and is clearly not what is described. The words are used in their ordinary and accepted meaning and that meaning should be accepted by the Examiner. A patent specification is addressed to one of ordinary skill in the art. Although patent examiners are not ones of ordinary skill in the art, *Office personnel must always remember to use the perspective of one of ordinary skill in the art. Claims and disclosures are not to be evaluated in a vacuum.* [MPEP §2106]

The Examiner conveniently ignores the fact that Ressler discloses a central section "attached to a side of ramp (44)." This is not what is being claimed. Claim 1 recites that a "central section is coupled to one of the remaining sections" of the bumper. As such, there can be no anticipation. The Examiner asserts that applicant's remarks "have been carefully considered." If so, where is the careful consideration of this fact?

Claims 7 and 10 were rejected as anticipated by Deacon. The Examiner asserts that "the rear doors of vehicles, like the one shown in Deacon's patent, are commonly called 'tailgates'." Ignoring the hedge, "like", is the Examiner taking Official Notice? If so, he has not complied with the MPEP. The assertion is not of something "notoriously" well known. If not, the statement is sheer speculation.

Claims must be rejected on evidence and the Examiner has provided **no** evidence that the rear doors on a full sized van as shown in the Deacon patent are routinely referred to as "tailgates." Applicant disputes that such is even remotely accurate. The Examiner is requested to support his position with evidence of record.

The Examiner's argument conveniently overlooks the fact that two elements are recited, a door **and** a gate. The Examiner's arguments in support of the rejection are not based upon claim language.

Two elements are recited, using two different nouns. To make any sense out of the Examiner's remarks, one would have to accept that those of ordinary skill in the art refer to one rear door on the full sized van disclosed in the Deacon patent as a "gate" or a "tailgate" and the other rear door as a "door." How is this in any way using "the perspective of one of ordinary skill in the art" as required by the MPEP?

In view of the foregoing remarks, it is respectfully submitted that claims 1-10 are in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,



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